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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/701,716

Applicant(s)

SMITH, PATRICK

Examiner

QUYNH H. NGUYEN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 1/11/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-11,13-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-11,13-16 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1, 3-4, 7, 10-11, 16, and 20-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. (U.S. Patent 6,069,890) in view of White et al. (US Patent 6,021,126).

As to claims 1 and 21, White et al. teaches a method of routing comprising the steps of:

receiving call information for a call in a circuit switch device (col. 5, lines 55-57; col. 8, lines 22-28), the call information representing a dialed number (Fig. 2, 130; col. 8, lines 3-39);

performing a query in response to receiving the call information (Fig. 2, 132 and 136; col. 8, lines 39-43);

receiving a routing number in response to performing a query (col. 8, lines 39-43);

terminating the call at a softswitch compliant gateway (Fig. 4, 104 and 116);

forwarding a call to a softswitch (Fig. 2, 72 and 74);

receiving the call and querying a database using the dialed number to determine a network address associated with a packet switch device (col. 8, lines 39-65); and

forwarding the call from the softswitch server to the packet switch device using the determined network address (col. 8, line 39 through col. 9, line 7).

White (Patent '890) does not explicitly teach a call associated with a ported number.

White (Patent '126) teaches receiving call information for a call associated with a ported number (col. 8, lines 55-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of providing features of number portability which is useable to establish voice communication with users who are reachable only through non-telephone networks, such as the Internet, as discussed by White (Patent '126) (col. 6, lines 53-57).

As to claim 3, White (Patent '890) teaches the query is performed on a SCP database (col. 7, line 65 through col. 8, line 8).

As to claim 4, White ('126) teaches the routing number is a location routing number (col. 8, lines 42-64; col. 9, lines 34-46).

As to claim 7, White (Patent '890) teaches the packet switch device is a packet gateway (Fig. 4, 104 and 116).

As to claim 10, White (Patent '890) teaches the packet switch device is a PSTN switch with an interface to a packet network (col. 5, lines 8-23).

Claims 11 and 22 are rejected for the same reasons as discussed above with respect to claims 1 and 4. Furthermore, White ('126) teaches call information comprising a dialed number and local routing number (col. 8, lines 42-51)

Claims 16 and 23 are rejected for the same reasons as discussed above with respect to claims 1 and 2. Furthermore, White ('126) teaches translating a dialed number associated with a call to a local routing number (col. 8, lines 42-51). White ('089). teaches translating the dialed number to a network address in response to terminating the call at the packet switch device (col. 7, lines 18-39).

As to claim 20, White ('089) teaches the network address is an Internet protocol address (col. 8, lines 45-65).

3. Claims 5-6, 9, 13-15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over White ('890) and White ('126) and further in view of Chu et al. (2005/0068942).

As to claims 5-6, 13-15, and 19, Whites do not teach the packet switch device is session initiation protocol compliant.

Chu et al. teaches the packet switch device is session initiation protocol compliant (par. [0002], [0051] - [0052]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made that SIP protocol is well known in packet switching and the advantage of using it is also well known in setting up call messaging.

As to claim 9, Chu et al. teaches the packet switch device is a packet telephone (Fig. 8, IP phone 606).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3-7, 9-11, 13-16, and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/

Primary Examiner, Art Unit 2614